

**DEPARTMENT OF TRADITIONAL AFFAIRS
DEPARTEMENT VAN TRADISIONELE SAKE**

No. 397

15 May 2015

TRADITIONAL LEADERSHIP AND GOVERNANCE FRAMEWORK ACT, 2003

**GUIDELINES FOR DETERMINATION OF NUMBER OF MEMBERS
OF TRADITIONAL COUNCILS**

Under the powers vested in me by section 3(2)(a) of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), I, Pravin Jamnadas Gordhan, Minister for Cooperative Governance and Traditional Affairs, hereby replace the guidelines for the determination of the number of members of a traditional council issued under Government Notice No. 354 of 21 April 2011, with the guidelines set out in the Schedule hereto.

Any formula for the determination of the number of members of a traditional council as contemplated in section 3(2)(a) of the said Traditional Leadership and Governance Framework Act, 2003, published in a Provincial Gazette in accordance with Government Notice No. 354 of 21 April 2011, shall be deemed to be in accordance with the relevant option of the guidelines issued under this Government Notice.



PRAVIN GORDHAN, MP

MINISTER FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

DATE: 23 - 04 - 2015

SCHEDULE

GUIDELINES FOR DETERMINATION OF NUMBER OF MEMBERS OF A TRADITIONAL COUNCIL

For the purposes of the formula determining the number of members of a traditional council as contemplated in section 3(2)(a) of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), any of the following options may be applied:

OPTION A: OPTION BASED ON NUMBER OF RECOGNISED HEADMEN/ HEADWOMEN

| Number of recognised headmen/ headwomen | Selected members [60% of total number of members] | | | | Elected members [40% of total number of members] | Total number of members [100%] |
|--|--|-----------------------|----------------------------|----------------------------------|---|-----------------------------------|
| | Community members | Headmen/ headwomen | Senior traditional leaders | Total number of selected members | Total number of elected members | |
| 7 or less | ■ | ■ | 1 | 11 | 7 | 18 |
| 8 to 14 | ■ | ■ | 1 | 15 | 9 | 24 |
| 15 to 24 | ■ | ■ | 1 | 20 | 12 | 32 |
| 25 to 50 | ■ | ■ | 1 | 25 | 17 | 42 |
| 51 and more | ■ | ■ | 1 | 30 | 20 | 50 |

■ See application hereunder

OPTION B: OPTION BASED ON ESTIMATED POPULATION OF TRADITIONAL COMMUNITY

| Estimated population of traditional community | Selected members [60% of total number of members] | | | | Elected members [40% of total number of members] | Total number of members [100%] |
|---|--|-----------------------|----------------------------|----------------------------------|---|-----------------------------------|
| | Community members | Headmen/ headwomen | Senior traditional leaders | Total number of selected members | Total number of elected members | |
| 0 to 15 000 | ■ | ■ | 1 | 11 | 7 | 18 |
| 15 001 to 30 000 | ■ | ■ | 1 | 15 | 9 | 24 |
| 30 001 to 50 000 | ■ | ■ | 1 | 20 | 12 | 32 |
| 50 001 to 80 000 | ■ | ■ | 1 | 25 | 17 | 42 |
| 80 001 and more | ■ | ■ | 1 | 30 | 20 | 50 |

■ See application hereunder

■ APPLICATION:

The selection of community members and headmen/headwomen indicated in the above options must be done by the recognised senior traditional leader who, in terms of section 3(2)(c)(i) of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), is an *ex officio* member of the relevant traditional council.

- (a) Before the selection process takes place, the senior traditional leader may request the royal family to designate, from amongst its members, a forum of not less than three and not more than five members to assist such senior traditional leader with the selection of members: Provided that if the royal family designates such a forum, the selection of members by the senior traditional leader is subject to the concurrence of such forum.
- (b) The composition of the selected members is subject to the following:
 - (i) Community members consist of ordinary members and royal family members;
 - (ii) community members may not exceed 30% of the total number of selected members;
 - (iii) royal family members may not be less than 40% and may not exceed 60% of the total number of community members;
 - (iv) in instances where there are more recognised headmen/headwomen than the number required to serve as selected members, the headmen/headwomen must elect the required number from amongst themselves;
 - (v) in instances where there are less recognised headmen/headwomen than the number required to serve as selected members, the selected members will consist of the senior traditional leader, all recognised headmen/headwomen and, notwithstanding subparagraph (ii), as many community members as may be required to reach the total number of selected members;
 - (vi) in instances where there are no recognised headmen/headwomen, the selected members will consist of the senior traditional leader and, notwithstanding subparagraph (ii), as many community members as may be required to reach the total number of selected members.
- (c) If the decimal is .5 in any of the calculations referred to above, the figure must be rounded off upwards: Provided that if in any instance this would result in an increase in the total number of selected members as indicated in any of the options above, the decimal must be rounded off downwards.